

## HOUSE BILL NO. 196

INTRODUCED BY M. LEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PAYMENT OF THE COSTS OF  
DETAINING, IN A COUNTY JAIL, CERTAIN PERSONS GIVEN A SENTENCE COMMITTING THE PERSON  
TO THE DEPARTMENT OF CORRECTIONS; AND AMENDING SECTION 7-32-2242, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-32-2242, MCA, is amended to read:

**"7-32-2242. Use of detention center -- payment of costs.** (1) Local government, state, and federal  
law enforcement and correctional agencies may use any detention center for the confinement of arrested  
persons and the punishment of offenders, under conditions imposed by law and with the consent of the  
governing body responsible for the detention center.

(2) (a) If a person is confined in a detention center by an arresting agency not responsible for the  
operation of the detention center, the costs of holding the person in confinement must be paid by the  
arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that  
covers the reasonable costs of confinement, excluding capital construction costs, except as provided in  
7-32-2245 or subsection (2)(b) of this section. Except as provided in 7-32-2245, if a person is confined  
in a detention center by the agency responsible for the operation of the detention center and is given a  
sentence committing the person to the department of corrections AND THE SENTENCE IS NOT A DEFERRED OR  
SUSPENDED SENTENCE WITH PROBATION, the costs of holding the person in confinement from the time of arrest  
to the time of commitment to the department must be paid by the department at a rate that is agreed upon  
by the department and the detention center and that covers the reasonable costs of confinement,  
excluding capital construction costs.

(b) If a city or town commits a person to the detention center of the county in which the city or  
town is located for a reason other than detention pending trial for or detention for service of a sentence  
for violating an ordinance of that city or town, the costs must be paid by the county, except as provided  
in 7-32-2245 and except that if the person is given a sentence committing the person to the department  
of corrections AND THE SENTENCE IS NOT A DEFERRED OR SUSPENDED SENTENCE WITH PROBATION, the costs of

1 holding the person in confinement from the time of arrest to the time of commitment to the department  
2 must be paid by the department at a rate that is agreed upon by the department and the detention center  
3 and that covers the reasonable costs of confinement, excluding capital construction costs. If the  
4 department of corrections is the arresting agency and the inmate is a probation violator, the costs must  
5 be paid by the county in which the district court that retains jurisdiction over the inmate is located, except  
6 as provided in 7-32-2245.

7 (c) Payments must be made to the government unit responsible for the detention center or to the  
8 administrator operating a private detention center under an agreement provided for in 7-32-2201, upon  
9 presentation of a claim to the arresting agency.

10 (3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including  
11 medical expenses, of holding the person in a detention center pending extradition must be paid by the  
12 out-of-state jurisdiction."

13 - END -